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FM MAHLON E GATES MGR USAEC NVOO LAS VEGAS NEV

TO BY3/MAJ GEN FRANK A CAMM AGMMA USAEC WASHDC

INFO BY3/MARTIN R HOFFMANN GENERAL COUNSEL USAEC WASHDC

BY3/JOHN A HARRIS DIR OIS USAEC WASHDC

BY3/MARTIN E BILES DOS USAEC WASHDC

BY3/DR JOHN R TOTTER DIR DB&ER USAEC WASHDC

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CONFIRMED TO BE UNCLASSIFIED
AUTHORITY: DOE/SA-20
BY H.R. SCHMIDT, DATE:

HR/Schmidt 6/9/94
FSA 6/15/94

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THIS MESSAGE IN FOUR PARTS.

PART ONE: NV PACIFIC SUPPORT OFFICE HAS RECEIVED THE FOLLOWING LETTER FROM MATTOCH, EDMUNDS, KEMPER AND BROWN, ATTORNEYS AND MICRONESIAN COUNSELORS:

..THIS IS FORMAL NOTICE TO YOU THAT THE PACE PROJECT HAS BEEN ORDERED STOPPED BY THE FEDERAL COURT. YOU WILL SEE, HOWEVER, THAT THE ORDER PERMITS A RADIOLOGICAL SURVEY BY THE ATOMIC ENERGY COMMISSION TO CONTINUE.

..WE AGREED TO THIS PROVISION ON THE ASSUMPTION THAT THE SURVEY WOULD HAVE NO ENVIRONMENTAL IMPACT. WILL YOU PLEASE RESPOND

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IMMEDIATELY TO TELL ME IF THIS ASSUMPTION IS CORRECT. I WOULD APPRECIATE A SUFFICIENTLY DETAILED RESPONSE DESCRIBING THE SURVEY SO THAT I CAN MAKE AN INDEPENDENT JUDGMENT ABOUT ITS POTENTIAL IMPACT.

“PLEASE ADDRESS YOUR RESPONSE TO ME C/O BOYCE R. BROWN, MATTOCH, EDMUNDS, KEMPER & BROWN, SUITE 1401, 841 BISHOP STREET, HONOLULU, HAWAII 96813.”

PART TWO: I AM CONCERNED ABOUT THE POSSIBLE IMPACT OF OUR ANSWER TO THIS LETTER FOR TWO REASONS:

A. IT COULD SUGGEST THAT WE CONCEDE THAT WE ARE OBLIGATED TO SATISFY SOME PRIVATE INTEREST AS TO THE ADEQUACY OR ACCEPTABILITY OF OUR PLANNED ACTIONS. THIS MIGHT CARRY OVER WITH MORE SERIOUS IMPLICATIONS TO THE DOD CLEANUP EFFORT.

B. NO MATTER HOW CAREFULLY WE DESCRIBE THE SURVEY IN ADVANCE, WE MAY ANTICIPATE THAT WE WILL MAKE SOME CHANGES WHILE IT IS IN PROGRESS. WE MAY, FOR EXAMPLE, FIND IT FEASIBLE AND DESIRABLE TO CONDUCT SOME FORM OF AERIAL MONITORING AND MAPPING EFFORT, THOUGH THIS IS NOT NOW A PART OF OUR PLAN. NOTE ALSO THAT THE LETTER DOES NOT ACKNOWLEDGE THE PLAN FOR A CONCURRENT DOD ENGINEERING SURVEY.

PART THREE: ACKNOWLEDGING THAT SOME RESPONSE IS REQUIRED, I

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Oct. 5, 1972

RECOMMEND THE FOLLOWING:

"DEAR MR. MITCHELL:

"THIS IS IN RESPONSE TO YOUR LETTER OF SEPT. 26, 1972, REQUESTING VALIDATION OF YOUR ASSUMPTION THAT OUR FORTHCOMING RADIOLOGICAL SURVEY OF ENIWETOK WILL HAVE NO ENVIRONMENTAL IMPACT.

"YOUR ASSUMPTION IS CORRECT. WE EXPECT TO HAVE A PARTY OF SCIENTISTS AND TECHNICIANS VISIT THE ATOLL FROM ABOUT MID-OCTOBER ON INTO DECEMBER TO GATHER INFORMATION ON THE TOTAL RADIOLOGICAL ENVIRONMENT. THEY WILL OBTAIN FOR LABORATORY ANALYSIS NUMEROUS SMALL SOIL SAMPLES (A FEW OUNCES EACH), WATER AND BOTTOM SAMPLES, AND SAMPLES OF VEGETATION AND LAND AND MARINE ANIMALS, AND WILL TAKE INSTRUMENT READINGS THROUGHOUT THE ATOLL. THEIR ACTIONS IN CONDUCTING THE FIELD SURVEY WILL IN NO SIGNIFICANT [OR LASTING] WAY AFFECT THE ENVIRONMENT OF ENIWETOK."

PART FOUR: IF YOU CONCUR, REQUEST YOU COORDINATE AS APPROPRIATE AT INTERAGENCY LEVEL AND AUTHORIZE ME TO RESPOND.

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